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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,122	07/24/2006	Giannino Landoni	20013.0023USWO	3125

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/587,122	LANDONI, GIANNINO	
	Examiner	Art Unit	
	Ismael Izaguirre	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/24/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be “material to patentability as defined in 37 CFR 1.56.”

CLAIMS

Summary

Claims 1 and 17 are the independent claims under consideration in this Office Action.

Claims 2-16 and 18-27 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, line 7, the words “of a standardized type” are unclear. It is unclear what specific structure this is intended to cover.

In line 10, the phrase “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Referring to claim 4, last two lines, the words “at least a type of said accessories” are unclear.

Referring to claim 6, line 2, there is no proper antecedent basis for the words “said auxiliary supporting bar command”.

Referring to claim 8, line 5, the words “disposed during use” are unclear.

Referring to claims 17-27, the metes and bounds of the patent protection desired is unclear. There are few positive method steps recited in these claims. For example, in claim 17, “wherein it provides to perform” do not set forth a positive introduction to any method steps. It is unclear which or how the method steps are intended and therefore it is suggested that positive method steps should be presented. Providing words such as “providing upper sewing members” and “applying accessories” and “performing multi-needle sewing” might help.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3765

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 12, 17 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kuhn (2,935,958).

Kuhn teaches a multi-needle, multi-function sewing machine and a method for sewing one or multiple layers of material. The sewing machine includes a plurality of upper needles cooperating with lower elements and forming stitches. Further, shirring or crimping is includes onto strips of material being sewn. The sewing machine includes an auxiliary laterally oriented bar 33 and attachment means including replaceable and positionable elements 38 movable for crimping strips of material sewn. The crimpers are selectively attached (via 37) in a standardized manner for crimping or shirring the material across the lateral feed direction of the material. The crimpers are replaceable and movable to the other across the machine.

Claims 1-3, 8-10, 17-20 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Landoni (WO 00/7-137).

Landoni teaches a multi-needle, multi-function sewing machine and a method for sewing one or multiple layers of material. The sewing machine includes a plurality of upper needles 14 arranged in multiple rows cooperating with lower elements and forming decorative stitches. Further, an auxiliary bar 19 is provided for supporting a cord laying accessory feeder. The attachment means 24 is provided on a multiple presser plate arrangement which includes a shaped means 27 which includes a central hole for allowing the upper needle to enter and other holes 30 for passing the decorative

Art Unit: 3765

ribbon 31 (from column 6, line 43). The ribbon is moved rotationally for placing the ribbon in the desired pattern for sewing and is placeable by a toothed ring or gear 28 which is driven by a toothed belt 23.

ALLOWABLE SUBJECT MATTER

Claims 4-7, 11, 13-16, 21-24 and 27 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shotsky, Landoni '068, Glenn et al. Kato and Schlegel illustrate sewing machines including sewing layers of material and providing decorative accessories. Landoni '615 is an equivalent of the applied document '137.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/
Primary Examiner, Art Unit 3765